

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 2413 - HB 2792**

March 12, 2020

**SUMMARY OF BILL:** Authorizes the application for restoration of voting rights upon a person's release from custody for any sentence of imprisonment for a felony crime. Requires the warden or an agent of the incarcerating authority to provide a certificate of voting rights restoration to a person eligible to apply for a voter registration card upon release from custody, rather than by request. Requires the Department of Correction (DOC) or the person's parole or probation officer to issue a certificate of voting rights if the person was released from custody prior to July 1, 2020. Deletes permanent prohibitions for eligibility to register and vote for convictions of certain felonies.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$20,000/FY20-21**

Assumptions:

- Pursuant to Tenn. Code Ann. § 40-29-202, a person convicted of a felony is eligible to apply for restoration of voting rights upon receiving a pardon, discharge from custody for service or expiration of the maximum sentence, or being granted a certificate of final discharge.
- A person is further prohibited from eligibility to apply for a voter registration card unless the person has paid all restitution to victims of the offense, all court costs assessed against the person for a trial if the applicant is not indigent, and all child support obligations.
- The proposed legislation renders a person eligible to apply for a voter registration card upon release from custody and regardless of any debts paid.
- Pursuant to Tenn. Code Ann. § 40-29-203, the pardoning authority, warden or agent of the incarcerating authority, or parole officer or agent of the supervising authority are authorized to provide a restoration of voting rights application to an eligible person upon request.
- The proposed legislation requires the warden or agent of the incarcerating authority to provide the application for voter registration to each person upon release from custody. The application can be provided to newly released persons within existing resources.
- The proposed legislation requires the DOC or the person's parole or probation officer to provide an application for voter registration if the person was released from custody prior to July 1, 2020.

- Pursuant to Tenn. Code Ann. §40-29-204, persons convicted of voter fraud, treason, murder, rape, certain felonies involving bribery or misconduct involving public officials, and sexual offenses where the victim was a minor will never be eligible to register to vote in this state.
- It is assumed that deleting the prohibitions for eligibility to register to vote would require the DOC to provide a voter registration application to all persons convicted of such felonies that would now be eligible.
- The right to suffrage is disqualified for persons convicted of a felony in this state after May 18, 1981.
- The DOC or a person's parole or probation officer will be required to provide a certificate of restoration of voting rights application to each person convicted of a felony between May 18, 1981, and July 1, 2020.
- It is assumed the DOC will only be required to provide the application to persons that have not previously restored voting rights.
- The certificate of restoration of voting rights cannot be completed by the person convicted of the felony.
- The DOC will be subject to a one-time increase in expenditures in FY20-21 of \$20,000 for printing, postage, and overtime expenses in order to provide each eligible person with an application and fill out the application if the person chooses to restore voting rights.
- The Secretary of State (SOS) can publish an updated certificate of restoration of voting rights within existing resources.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/agr